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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/846,249

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Dennis Mendiola

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05/18/2006

EXAMINER

BARQADLE, YASIN M

INTELLECTUAL PROPERTY LAW GROUP LLP  
12 SOUTH FIRST STREET  
SUITE 1205  
SAN JOSE, CA 95113

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/846,249	<b>Applicant(s)</b> MENDIOLA ET AL.	
	<b>Examiner</b> Yasin M. Barqadle	<b>Art Unit</b> 2153	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 23, 2006 has been entered.

**Response to Amendment**

2. The amendment filed on February 23, 2006 has been fully considered but are not persuasive.

- Claims 7-9 have been canceled.
- Claims 1-6 and 10-14 are presented for examination.

**Response to Arguments**

Applicant argues in pages 7 "Aravamudan does not anywhere disclose that each client having a single account on said IM server for all of its client types. . . wherein each of said account is identified by a unique identification number being

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based on the unique mobile phone telephone number (emphasis added). Aravamudan simply does not teach this element of each account identified by a UNI "based on the unique mobile phone telephone number" Neither does Aravamudan disclose that the IM server records each said unique identifier of each client type of said client matched against said unique identification number of said client". Further, neither does Aravamudan teach anywhere in said client with a mobile phone is able, through said IM server, to send to or receive from any client type of another client a message, that "each client type [has] a unique identifier to enable access thereto via said network".

Examiner notes that Aravamudan teaches a unified messaging solution where plurality of client premises equipment (CPE 140, fig. 1) that include a client's personal computer (PC) 142, wired telephone 144 or screen phone, wireless cellular phone 150 or screen phone, wireless or wired personal digital assistant (PDA) 146 are registered with Instant Message service provider for data and communication access over multiple networks (abstract and col. 3, lines 28-52). Aravamudan further teaches each client device has software installed. The user connects and registers, via his uniquely identified CPE, to the provider's secure provisioning server by entering his selected password. The provisioning server, registers the address of the user's

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Instant message server and provisions the client CPE software with a unique identification (ID). The provisioning server additionally conveys a copy of the user address and password to the Communication Services Platform (CSP) to create personal and administrative databases for the new user. The CSP also conveys the unique ID created to the IM server, creating a new IM account for the user. The IM server creates an initial buddy group for the user, which includes the user's CPE and CSP identity (col. 6, lines 45-63). Therefore, Aravamudan clearly teaches unique identifier for each client device. Aravamudan also teaches registered subscriber accessing IM server which implies each subscriber having a unique ID. Furthermore, Aravamudan shows by way of an example how a unique identification number such as a phone number or an Internet address of client is used to make match. "The services executive 164 maintains a plurality of rules and real time events which may, for example, direct the network services interface 162 to complete the voice call to a particular phone number, or it may determine that the voice call should be directed to a particular e-mail address, or it may determine that the voice call should be placed on hold while attempts are made to locate the present location and interface over which the client may be reached." (Col. 5, lines 56 to col. 6, line 2). Therefore, based on the identification of the client

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such as a unique phone number or Internet address found in the instant message service database for a particular subscriber a match is made and the detected instant message events is forwarded to the subscriber.

Applicant also argues in page 8, first paragraph that Fuchigami fails to teach a "client having a single account...for all of its client types..." Examiner notes that Fuchigami teaches plurality of different users using a single account that is common to all col. 1, lines 39 to col. 2, lines 11 and col. 2, lines 19-27).

Applicant argues "Fuchigami teaches different users using a single account, which is not the same as a client's client types. Different users in Fuchigami are not client types" as defined by the Applicant's claims. Examiner notes broadly interpreting the claim users could be clients of the messaging system.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1,3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al USPN (6301609) in view of Fuchigami USPN. (6393463).

As per claim 1, Aravamudan et al teach an instant messaging system interfaced with a mobile phone network, said system (CPE mobile interface in fig. 2 and abstract) comprising:

a plurality of clients (clients 142, 144, 150 and 150) each having IM client applications of one or more client types said client types including mobile phone client types having mobile phone with a unique mobile telephone number, and including a plurality of computer network interface client types (clients , 146, 148 and 150 are uniquely identified by their number col.6, lines 13-63);

an IM server (IM server 130) selectively connected to said client types (see fig. 2) and providing prescribed range of functionality to said clients [col. 4, lines 54 to col. 5, line 14];

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each client type of said computer network interfaced clients having a unique identifier to enable access thereto via said computer network [clients are registered with IM services provider col. 5, lines 2-31 and col. 5, lines 52 to col.6, lines 63]; and

each client having a single account on said IM server for all of its client types that can access said IM server [client is registered with IM server and is give a unique ID col.6, lines 13-63];

wherein each of said account is identified by a unique identification number being based on the unique mobile phone telephone number, and wherein said IM server records [col.6, lines 13-63]; each said unique identifier of each client type of a said client is matched against said unique identification number of client [a unique identification number such as a phone number or an Internet address of client is use to make match Col. 5, lines 56 to col. 6, line 2 and col.7, lines 1-20]; wherein said client with a mobile phone is able, through said IM server, to send to or receive from any client type of another client a message, and the other client is identified in said client's mobile phone in relation to the message by the unique identifier number (col. 7, lines 15-33



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Although Aravamudan et al shows substantial features of the claimed invention, he does not explicitly show an account common to all of the client types.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan et al, as evidenced by Fuchigami USPN. (6393463).

In analogous art, Fuchigami whose invention is about an electronic messaging system where plurality of devices (PDA device (5) and personal computer (6) access a mail server 3, fig. 1, using a common account [col. 1, lines 39 to col. 2, lines 27]). Giving the teaching of Fuchigami, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Aravamudan et al by employing the system of Fuchigami. One would be motivated to so because users could accesses their electronic message from different devices with a common account from any location at any time, in this way each user need not acquire a plurality of accounts, and hence can save the charges for accounts.

As per claim 2, Aravamudan et al teach an instant messaging system as claimed in claim 1, wherein said client types include clients connected to the computer network via:

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(i) a Pc-based instant messaging client application program [pc 142];

(iii) an Internet browser-based client application (col. 7, lines 26-33]; or

(iv) an email-based client application [col. 7, lines 26-33].

As per claim 3, Aravamudan et al teach an instant messaging system as claimed in claim 1, wherein said prescribed range of functionality includes:

(i) sending a message from one client to another [col. 7, lines 15-33];

(ii) receiving a message sent by one client to another [col. 7, lines 15-33]; and

(iii) identifying which members of a group of clients that a client is a member or prospective member of are currently connected to the computer network or are probably so connected [col. 7, lines 15-33].

As per claim 4, Aravamudan et al teach an Instant messaging system as claimed in claim 1, wherein said computer network is the internet of direct electronic link of computers and other electronic devices [fig. 1 and col. 3, lines 28-52].

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As per claim 5 Aravamudan et al, teach the instant messaging system as explained in claim 1, wherein said client types being mobile phone clients have SMS capability (cell phone have sms capability) and are initially connected via an SMSC server to control and manage said SMS there between, and wherein said SMSC server is directly connected to said IM server (fig. 2 and col. 11, lines 8-34).

As per claims 6 and 9-13, these claims have similar limitation as claims 1 and 3 combined. Therefore, they are rejected with the same rationale.

As per claim 14, Aravamudan et al teaches IM server adapted to assign unique identification number to user (unique identification number such as a phone number or an Internet address of client is use to make match. Registered subscribers accessing IM server implies assign a unique ID to each subscriber (user) Col. 5, lines 23-35 and col. 5, lines 56 to col. 6, line 2 and col.7, lines 1-20].

### **Conclusion**

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

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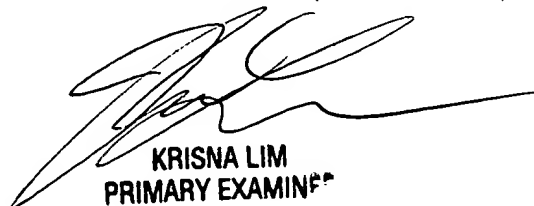
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KRISNA LIM  
PRIMARY EXAMINER